

1 GARY A. BORNSTEIN (*pro hac vice*)  
1 gbornstein@cravath.com  
2 YONATAN EVEN (*pro hac vice*)  
2 yeven@cravath.com  
3 LAUREN A. MOSKOWITZ (*pro hac vice*)  
3 lmoskowitz@cravath.com  
4 JUSTIN C. CLARKE (*pro hac vice*)  
4 jcclarke@cravath.com  
5 MICHAEL J. ZAKEN (*pro hac vice*)  
5 mzaken@cravath.com  
6 M. BRENT BYARS (*pro hac vice*)  
6 mbyars@cravath.com

**CRAVATH, SWAINE & MOORE LLP**  
7 375 Ninth Avenue  
8 New York, New York 10001  
8 Telephone: (212) 474-1000  
9 Facsimile: (212) 474-3700

10 PAUL J. RIEHLE (SBN 115199)  
10 paul.riehle@faegredrinker.com

**FAEGRE DRINKER BIDDLE & REATH LLP**  
11 Four Embarcadero Center  
12 San Francisco, California 94111  
12 Telephone: (415) 591-7500  
13 Facsimile: (415) 591-7510

14 *Attorneys for Plaintiff and Counter-defendant*  
14 *Epic Games, Inc.*

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **OAKLAND DIVISION**

19 EPIC GAMES, INC.,

20 Plaintiff, Counter-defendant,

21 v.

22 APPLE INC.,

23 Defendant, Counterclaimant.

24 Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF M. BRENT BYARS IN  
SUPPORT OF PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD BE  
SEALED PURSUANT TO CIVIL LOCAL  
RULE 79-5**

25  
26 Judge: Hon. Yvonne Gonzalez Rogers

1 I, M. Brent Byars, declare as follows:

2 1. I am a senior attorney at Cravath, Swaine & Moore LLP, counsel to Epic Games,  
3 Inc. ("Epic") in the above-captioned actions. I am admitted to appear before this Court *pro hac*  
4 *vice*.

5 2. I submit this declaration in support of Plaintiff's Administrative Motion to  
6 Consider Whether Another Party's Material Should be Sealed Pursuant to Local Rule 79-5, dated  
7 March 14, 2025.

8 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If  
9 called as a witness, I could and would competently testify to these facts under oath.

10 4. Attached hereto as **Exhibit A** is a true and correct copy of an unredacted version  
11 of PRIV-APL-EG\_00139177, which was produced to Epic by Apple Inc.

12 5. Attached hereto as **Exhibit B** is a true and correct copy of an unredacted version of  
13 the Response of Epic Games to Apple's Opposition to Discovery Sanctions with highlights  
14 reflecting redacted material in the publicly filed Response of Epic Games to Apple's Opposition  
15 to Discovery Sanctions.

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
17 and correct and that I executed this declaration on March 14, 2025 in New York, New York.

18   
19

20 M. Brent Byars  
21  
22  
23  
24  
25  
26  
27  
28

1 **E-FILING ATTESTATION**

2 I, Gary Bornstein, am the ECF User whose ID and password are being used to file  
3 this Declaration of M. Brent Byars in Support of Plaintiff's Administrative Motion to Consider  
4 Whether Another Party's Material Should be Sealed Pursuant to Local Rule 79-5. In compliance  
5 with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has  
6 been obtained from the signatory.

7  
8 */s/ Gary A. Bornstein*  
9 Gary A. Bornstein  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28